

REMARKS

The amendments to claims 2, 5, 13, and 18-20 find support in the specification and claims as originally filed. No new matter is introduced by way of the claim amendments. The amendments to claim 2 and 18 find support, for example, at page 10, lines 28 and 29; at page 38, line 37; and at page 42, lines 14-17. The amendment to claim 5 finds support, for example, at page 6, line 9. The amendment to claim 13 finds support, for example, at page 6, line 18. The amendment to claim 19 corrects a minor typographical error, and finds support, for example, at page 42 lines 14-17. The amendment to claim 20 corrects a minor grammatical error.

Claims 2-5 and 7-21 are pending in the application, and stand rejected under 35 U.S.C. § 112, first paragraph as allegedly containing new matter. Claims 5 and 19 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants respectfully traverse these rejections.

The Rejections under 35 U.S.C. § 112, first paragraph

Claims 2-5 and 7-21 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, the Examiner objecting to the phrase "wherein the pharmaceutical composition is of therapeutic purity and adapted for administration to humans."

Applicants respectfully submit that the present application, providing a "stable NGF formulation for use in treating a mammal, preferably human" (page 2, line 16) discloses a pharmaceutical composition of therapeutic purity and adapted for administration to humans. However, in order to advance the prosecution of the application, without acquiescing to the stated reasons for the rejection in any way, and without prejudice to prosecution of the same or similar subject matter in divisional, continuation or continuation-in-part applications, Applicants have amended claims 2 and 18 so that they no longer recite the phrase objected to by the Examiner. Accordingly, Applicants respectfully submit that the rejections of claims 2-5 and 7-21 are overcome.

Claim 13 has been amended to recite a NGF concentration range of 0.08 to about 15 mg/ml. Accordingly, Applicants respectfully submit that the rejection of claim 13 is overcome.

The Rejections under 35 U.S.C. § 112, second paragraph

Claim 5 has been amended to recite an acetate concentration range of 10 mm to 20 mm, which falls within the range of 5 and 30 mM recited in claim 2. Accordingly, Applicants respectfully submit that the rejection of claim 5 is overcome.

Claim 19 has been amended to recite "NGF" following "0.1 mg/ml." Accordingly, Applicants respectfully submit that the rejection of claim 19 is overcome.

The Possible Objections under 37 C.F.R. § 1.75

Claims 18-20 were described by the Examiner as substantial duplicates of claims 2, 15, and 17. Claims 2, 15, and 17 are directed to compositions comprising named constituents. Applicants respectfully submit that claims 18-20, directed to a composition produced by a process recited in that claim differ substantially from claims 2, 15, and 17 which recite compositions but do not refer in any way to any process of making. Accordingly, Applicants respectfully submit that claims 18-20 are not substantial duplicates of claims 2, 5, and 17.

CONCLUSION

Applicants respectfully submit that the rejections to claims 2-5 and 7-21 are overcome by the above arguments and amendments. Accordingly, Applicants respectfully submit that all claims stand in condition for allowance, and request the reconsideration and allowance of all claims.

Please charge any additional fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39766-0047 C1.

Respectfully submitted,

By: 

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